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January 5, 2018

BY ECF

Hon. Kenneth M. Karas
United States District Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *Manning v. Griffin*, et al., 15 Civ. 003 (KMK)

Dear Judge Karas:

We represent Plaintiff in the above-referenced matter and are writing to request that the Court rescind today's Order dismissing this action based on a settlement reached by the parties and reopen the case. Defendants submitted a letter to the Court on January 2, which they represented as being submitted "jointly" by both parties. However, Plaintiff did not agree to submit a joint letter, nor did counsel ever review the letter or its contents. Because Defendants' letter only requested a 30 extension of the stay and not dismissal, Plaintiff did not send a corrective letter to the Court.

Plaintiff's counsel did represent to Defendants that we would consent to an extension of the stay if they needed the extra time.

Defendants' January 2 letter represented to the Court that a settlement was reached in this case. While a settlement has been reached in principle, Defendants have yet to respond to the draft agreement proposed by Plaintiff on December 12, 2017. Instead, Defendants informed Plaintiff on January 2 that they plan to propose "several changes" to Plaintiff's proposed settlement agreement. While Plaintiff believes that the parties will ultimately reach a settlement in this case before February 5, 2018 (the date to which Defendants requested the stay extend), Plaintiff asks the Court to retain jurisdiction over the case until the parties have filed a stipulation of dismissal.

Respectfully Submitted,

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/s/

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By ECF
Mark Walsh, Counsel for Defendants Barlow, Griffin and Urbanski (by email)